

The Indian mines maternity benefit question, 1919–1947

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Introduction

Although women constituted a significant part of the total labour force in the mines of India,¹ yet till the end of the First World War very little was done to promote their health and welfare. In the absence of welfare legislation and voluntary work, women faced serious hardship and privation especially during the period of their confinement. Not only were they not paid any wages for the period of their absence, in some cases they lost their jobs and incurred heavy debts to defray the expenses of this critical period of their lives. The International Labour Organisation, founded at the end of World War I to secure and maintain fair and humane conditions for labour, in their very first conference held at Washington in 1919 recommended to its member states, including India, the necessity of providing adequate maternity benefit to their female labour employed in the industrial establishments. The main provisions of the draft convention (stipulated in articles 3 and 4) were: (a) rest periods of six weeks before and after confinement; (b) sufficient maintenance for the mother and child including the provision of free attendance by a doctor or a midwife; (c) an allowance of half-an-hour twice daily for nursing the child; and (d) security against dismissal on account of absence due to confinement.² Ever since the adoption of this convention at Washington, the question of maternity benefit had become a subject of debate and discussion in India both inside and outside the legislature. As it is not possible to study in detail all aspects of the issue in such a short paper, we intend to limit ourselves to certain aspects of it. Section I examines the working of voluntary maternity benefit schemes in the British

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¹ In 1926, for example, out of approximately 260,113 workers employed in the mines subject to the Indian Mines Act, 78,497 or 30.18 per cent were women. Government of India, *Report of the Labour Investigation Committee* (main report) (Delhi, 1946), p. 24.

² Proceedings of the Government of Bengal, Commerce Department (Commerce) (henceforth Commerce Proceedings), April 1921, No. 1, Appendix II, pp. 36–37.

Indian mines. Section II deals with the enactment of the Indian Mines Maternity Benefit Act, 1941, which was put in the statute book 'to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them'.³ It also critically examines the main provisions of the Act. Section III is a study of the working of the Act.

I

Although in 1919 the International Labour Organisation had recommended its member states to make provisions for maternity benefit for women working in industrial establishments before and after confinement, the Government of India, at the behest of the industrial employers, refused to ratify the draft convention.⁴ The reasons attributed by the Government of India for doing so were the difficulty in the enforcement of compulsory abstinence from work under existing conditions as women could easily obtain work in non-regulated factories or in agriculture, the inaccurate system of birth registration in India, the inadequacy of female doctors in view of the unwillingness of women workers to obtain medical certificates except from women doctors, the negative response from the local governments against the institution of a compulsory levy for the grant of pecuniary help during the period of absence from work, and, the ease at which women workers could be reinstated once they were fit to resume work.⁵ As a result of these alleged difficulties,⁶ the Government of India in 1920-21 decided against the institution of compulsory maternity benefit payment. They felt that at this stage of the industrial development of the country 'more would probably be gained by enlisting the sympathy of the management than by passing legislation'.⁷ Accordingly they instructed the local governments to encourage a voluntary system of maternity benefits and the provision of medical aid to industrial workers during the period of childbirth.⁸ Thus since

³ The Bill was published in Part V of the *Gazette of India* dated 11 October 1941 and was reproduced together with the statement of objects and reasons in the *Labour Gazette*, October 1941, pp. 171-75. The changes introduced by the legislature in the original Bill were printed in *ibid.*, December 1941, pp. 369-70.

⁴ Iftikhar-ul-Awwal, 'Government and Business Attitude towards Labour Welfare in Bengal: The Maternity Benefit Question,' a paper presented at a seminar on State and Business in India at the Indian Institute of Management, Ahmedabad, India, from 29 February to 3 March 1984. The proceedings of the seminar are being published in a book by Manohar Book Service, New Delhi.

⁵ Commerce Proceedings, July 1925, No. 49, p. 115. See also the speech of the Hon'ble Sir Bhupendra Nath Mitra (Industries Member) on the Maternity Benefit Bill in the *Legislative Assembly Debates*, 3 February 1925, Vol. 5, No. 9.

⁶ These difficulties were not insurmountable and could be overcome had the Government been honest. For details, Iftikhar-ul-Awwal, 'Government and Business Attitude towards Labour Welfare in Bengal,' *op. cit.*

⁷ Commerce Proceedings, July 1921, No. 38, pp. 113-16.

⁸ See the proceedings of the Simla conference on maternity benefit question held on 9 May 1921 in the Commerce Proceedings, July 1921, No. 38, pp. 113-16; and *ibid.*, December 1924, No. 40, p. 29.

1921 the official policy of the Government of India had been the encouragement of voluntary maternity benefit schemes suited to the varying conditions in each industry.

An examination of the working of the voluntary maternity benefit schemes in the mining industries till the end of the 1930s, however, shows that excluding a few colliery companies, which had voluntarily adopted some sort of maternity benefit schemes, others ignored it altogether. One of the earliest to adopt a scheme was the East India Railway. It claimed to have paid to every woman who had a child an amount of 'about Rs. 1–8–0 or Rs. 1–12–0 a week' for a period of eight weeks on condition that the woman did not work and remained at home during this period.⁹ The money was given four weeks before and four weeks after the birth of the child to the woman herself or to her mother or husband.¹⁰ Eastern Coal Company also had a maternity benefit scheme in operation. But the precise nature of the scheme as stated by its Chief Medical Officer, U.P. Chatterjee, is, however, not very clear.¹¹

The Burrakur Coal Company in their statement claimed that for four collieries belonging to this company it had paid an amount of Rs. 1,473 as confinement allowance for 350 cases during the period from January to December 1928, the average amount per case being a little over Rs. 4 and 3 annas.¹² Tata collieries, as stated by the *Bihar Labour Enquiry Committee*, paid their workers eight weeks leave on full pay after a minimum of one year's continuous service.¹³ The same report also states that the Bhagtand Colliery granted leave for two weeks and paid a fixed allowance of Rs. 4 and the Argada Colliery paid one month's full pay to their workers at childbirth.¹⁴ Apart from the above few, we do not come across references to any other companies which had maternity benefit schemes. In this category fall most of the large colliery companies owned and managed by foreigners like Bengal Coal, Seebpore Coal, Katras Jherriah (all managed by Andrew Yule and Company); Equitable, Dhemo Main, West Jamuria, Aldih (managed by Macneill and Company); New Beerbhum managed by Balmer Lawrie and North Damuda managed by Shaw Wallace and Company. Some of the larger colliery companies owned and managed by the Indians like that of Kirkend Colliery owned by Indra Narayan Chandra and others also did not have any schemes of maternity benefit.¹⁵ However, a few claimed to have schemes under which a daily payment was given 'as sick *khoraiki* while the

⁹ *Royal Commission on Labour in India* (henceforth referred to as *RCL*), Oral Evidence, Vol. 4, Part II (London, 1930), pp. 358–59.

¹⁰ *Ibid.*

¹¹ *Ibid.*, p. 111. U.P. Chatterjee had stated that 'when a woman is five months pregnant, she begins to get five annas wages, this she gets till one month after the birth of the child'.

¹² *Ibid.*, Vol. 4, Part I, Written Evidence, p. 37.

¹³ *Report of the Bihar Labour Enquiry Committee*, Vol. 1, Recommendations (Patna, 1940), p. 61.

¹⁴ *Ibid.*

¹⁵ *RCL*, Oral Evidence, Vol. 4, Part II, p. 132.

woman was off work or a bonus paid for each birth.¹⁶ As regards other mining industries such as mica, manganese, iron ore, etc., it is highly doubtful whether they had any schemes of maternity benefit. The only exception in this category was perhaps the Central Provinces Manganese Ore Company. Although we have no precise information on when the company began to pay maternity benefit, it claimed to have paid an amount of Rs. 2,802-2-0 in 1940 in 475 cases, the average amount per case being a little over Rs. 5-14 annas.¹⁷

Not only were maternity benefit schemes rare in the mining industries, the few which had such schemes did not go far enough. In the first place the amount paid as maternity benefit was considered most inadequate. The East India Railway claimed to have paid Rs. 1-8-0 to Rs. 1-12-0 a week which was four annas or so on the average per day. The Burrakur Coal Company paid on the average Rs. 4-3 annas for the entire confinement period while Bhagtand paid a fixed allowance of Rs. 4 only. This amount was not even adequate to cover the basic needs of a woman at subsistence level and if allowance is made for the fact that the needs of a woman for a period before and after delivery is more, the inadequacy of the amount becomes all the more glaring. It is also to be remembered that in the virtual absence of proper medical facilities, it was the universal practice to employ the services of a *dai* at childbirth which cost anything up to Rs. 5.¹⁸ Equally insufficient was the period of benefit. In view of the strenuous nature of the job involved, women at the collieries usually remained absent from work for a period of at least three months before and after delivery.¹⁹ Although the Washington conference of 1919 had recommended six weeks rest period both before and after confinement, none of the mines voluntarily implemented this. The East India Railway and Tatas, which paid their employees for eight weeks before and after childbirth, came nearest this recommendation. Here, too, restrictions of various sorts such as a minimum of one year's service, etc., were put before one could enjoy leave with full benefits.²⁰

There were also deficiencies (if not exaggerated claims or false claims on the part of the employers) in the disbursement of maternity allowance. Either for want of supervision or defects in the rules, or due to some

¹⁶ The most notable of these was in Giridih. The Colliery Benefit Fund, established in 1892, claimed to have paid Rs. 4-8 for each living birth. Further details of the scheme are, however, not available. See Commerce Proceedings, December 1924, No. 49, pp. 37-38. Some collieries including Saltore Colliery in Bihar also paid *khora* as did some others in Bengal. See, *Bihar Labour Enquiry Committee*, p. 61; *RCL*, Vol. 4, Part I, Written Evidence, p. 208 and B.R. Seth, *Labour in the Indian Coal Industry* (Bombay, 1940), p. 163.

¹⁷ Government of India, Labour Investigation Committee, *Report on an Enquiry into Conditions of Labour in the Manganese Mining Industry in India* (by D.V. Rege) (Delhi, 1946), p. 14.

¹⁸ *RCL* Oral Evidence, Vol. 4, Part II, pp. 134-35, 138 and 169.

¹⁹ *Ibid.*

²⁰ *Bihar Labour Enquiry Committee*, Vol. 1, p. 61.

other reason not quite clear to us, the beneficiaries, very often, did not get the entire amount of the benefit. Thus, for example, while the East India Railway claimed to pay Rs. 1-8-0 to Rs. 1-12-0 a week for a period of eight weeks to their women employees at childbirth, in actual practice Gangia Kamin of the Serampore Colliery, Giridih (run by the E. I. Railway) claimed to have received a consolidated sum of only Rs. 4-8 annas from the head clerk when her child was born.²¹ Again, while the Loyabad Colliery claimed to pay an allowance for three to four weeks at the rate of four annas a day before and six annas a day after childbirth²² (which should not have been below Rs. 7 for the entire confinement period), in actual practice the average payments of the company on account of maternity benefit was just over Rs. 4.²³ Small payments from 8 annas to Rs. 2 made by a few colliery owners which did not have maternity benefit schemes did not necessarily reach the beneficiaries.²⁴

If direct maternity benefits were inadequate, the employers were equally callous about the provision of medical facilities for their female employees. Till the end of the 1930s only a handful of larger collieries maintained responsible doctors and hospitals situated near their mines.²⁵ Some of the larger ones like Messrs. Andrew Yule and Company employed at their collieries certified midwives trained at the Eden Hospital, Calcutta.²⁶ The vast majority had, however, neither doctors nor midwives of their own. Due to the lack of medical facilities, therefore, women preferred to go back to their villages during childbirth. There they fell into the hands of indigenous *dais*. 'None of the indigenous *dais* appeared to have had any outside training. In no case did they own a pair of scissors, but used the ordinary household knife, or in the country the sickle to be found in each home.'²⁷ Not infrequently, deaths occurred among workers at childbirth.²⁸ To help in the mining industry at this critical moment of their lives, therefore, the Mines Board of Health, the Asansol Mines Board of Health (for Ranigunj) and the Jharria Mines Board of Health (for Jharria) established by the provincial governments (in 1912 and 1913 respectively), came forward to help them, but due to sheer vastness of the mining areas and lack of adequate resources

²¹ *RCL*, Oral Evidence, Vol. 4, Part II, p. 365.

²² *Bihar Labour Enquiry Committee*, Vol. 1, p. 61.

²³ The Loyabad Colliery belonged to the Burrakur Coal Company. The Company, according to their own statement of accounts mentioned earlier, paid on an average Rs. 4-3 annas only.

²⁴ Kirkend Colliery claimed to pay Rs. 1 when a child was born. On the other hand, Kolli, a woman worker of the same mine, alleged that she received nothing when her baby was born. See, *RCL*, Vol. 4, Part II, pp. 134-35, 138.

²⁵ Although some of the collieries maintained doctors, none of them were females. See B. R. Seth, *Labour in the Indian Coal Industry* (Bombay, 1940), p. xiii.

²⁶ Commerce Proceedings, December 1924, No. 49, pp. 37-38.

²⁷ Bulletin of Indian Industries and Labour, No. 31, *Women's Labour in Bengal Industries* (by Dagmer F. Curjel) (Calcutta, 1923), p. 34.

²⁸ *Ibid.*

at their command these Boards could not function as efficiently as was desirable.²⁹ In the 1930s, however, there seemed to have been a definite improvement in the organisation of the Boards.³⁰ The number of certified midwives was increased and Health Visitors appointed who not only attended childbirths but also advised mothers before and after births. Yet a lot remained to be done, especially in the Ranigunj area as B.R. Seth points out in his study of colliery labour in India:

The collieries should appoint their own midwives. Six or seven midwives or Health Visitors of the Health Board cannot do the work so effectively as a midwife at a colliery . . . It should be made compulsory for a colliery of a certain size to appoint a midwife.³¹

There was also the problem of nursing babies. The problem, as yet universally ignored, needed to be solved through the introduction of the creche system.

But more important than the inadequacy of maternity benefit schemes and defects in its working, was the deliberate policy of the employers to reduce the number of women in the coal mines ever since the question began to be discussed and debated seriously in India in the early 1920s. The proportion of women in the coal mines which was increasing till 1920 began to decrease from 1921 onwards. Thus in 1920, the percentage of adult female workers was 38.11 and it started declining gradually till it reached 11.39 per cent in 1939 (see Table 1). No doubt the principal reason for such wholesale reduction was the result of the government decision to progressively eliminate women from underground work from 1929 onwards, but even so it is difficult for us to account for the pronounced fall in the proportion of women to men for the period from 1921 to 1929. It is most likely, therefore, that the employers had started recruiting more males than females since the early 1920s so as to avoid the payment of compulsory maternity benefit in the future. Had we the data, it would have been interesting, in this context, to study the age and civil condition of the women workers in the mines for the years prior to the introduction of the principle of voluntary maternity benefit schemes in 1920 and afterwards. It would have allowed us to investigate whether there had been a shift in the preference of the employers towards the employment of unmarried girls, widows and women past child-bearing age.

II

That voluntary maternity benefit schemes would not probably work in India was perhaps realised by N.M. Joshi, the veteran labour leader in the 1920s.

²⁹ B.R. Seth, *op. cit.*, pp. 16, 157-62.

³⁰ *Ibid.*

³¹ *Ibid.*, p. 161.

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Table 1
Average Number of Persons Employed Daily in the Coal Mining Industry in British India, 1915-1944

<i>Year</i>	<i>No. of Women Working Above and Below the Ground</i>	<i>Total No. of Women Above and Below the Ground</i>	<i>Total No. of Workers (Excluding Children)</i>	<i>% of Col. (2) to Col. (3)</i>
	1	2	3	4
1915 A	15,881	51,447	146,910	35.04
B	35,596			
1916 A	15,399	50,747	141,059	35.98
B	35,348			
1917 A	18,418	56,124	151,415	37.07
B	37,706			
1918 A	21,624	65,073	173,501	37.51
B	43,449			
1919 A	24,278	71,367	187,322	38.10
B	47,089			
1920 A	24,755	65,819	172,696	38.11
B	41,064			
1921 A	28,666	70,831	186,813	37.92
B	42,165			
1922 A	25,092	64,845	180,363	35.95
B	39,753			
1923 A	23,947	64,083	180,051	35.59
B	40,136			
1924 A	21,974	63,590	184,264	34.51
B	41,616			
1925 A	18,913	58,531	171,922	34.05
B	39,618			
1926 A	14,825	50,432	170,620	29.56
B	35,607			
1927 A	13,601	47,446	165,266	28.71
B	33,845			
1928 A	13,445	49,873	164,153	30.38
B	36,428			
1929 A	12,652	42,481	165,696	25.64
B	29,829			
1930 A	12,962	36,879	169,034	21.82
B	23,917			
1931 A	11,363	32,462	158,267	20.51
B	21,099			
1932 A	9,951	26,852	148,553	18.08
B	16,901			
1933 A	9,354	23,841	144,764	16.47
B	14,487			
1934 A	9,949	22,508	151,472	14.86
B	12,559			
1935 A	11,092	22,565	159,233	14.17
B	11,473			

Table 5.1 contd.

	1	2	3	4
1936 A	12,174	21,402	162,988	13.13
B	11,473			
1937 A	19,037	22,924	171,125	13.39
B	3,887			
1938 A	23,526	23,561	201,206	11.71
B	35			
1939 A	23,004	23,004	201,989	11.39
B	Nil			
1940 A	N.A.	N.A.	N.A.	—
B	N.A.			
1941 A	28,745	28,745	212,422	13.53
B	Nil			
1942 A	31,614	31,614	232,001	13.63
B	Nil			
1943 A	28,415	39,125	213,096	18.36
B	10,710			
1944 A	41,734	61,055	229,836	26.56
B	19,321			

Note: A = above ground; B = below ground; N.A. = not available

Source: Department of Commercial Intelligence and Statistics, India, *Indian Coal Statistics, 1939* (Delhi, 1941), p. 56; Government of India, *Report on an Enquiry into Condition of Labour in the Coal Mining Industry in India* (by S.R. Deshpande) (Delhi, 1946), pp. 18–19.

His fear found expression in his introduction of a Maternity Benefit Bill in the Legislative Assembly in September 1924 'to regulate the employment of women in factories and mines and estates . . .'.³² The object of the Bill, as he pointed out, was to carry out some of the proposals contained in the Draft Convention passed at the first International Labour Conference at Washington in 1919.³³ But the Bill was defeated in the legislature as a result of combined opposition from the government and the representatives of the business interest groups.³⁴

In August 1926, a resolution was also moved in the Bihar and Orissa Legislative Council by Lala Baijnath calling upon the government to take early steps 'to protect female labour employed in the coalfields . . .'.³⁵ Although the motion was carried by 35 to 27 votes, the provincial government took no steps to implement it as they considered the issue an all-India subject and fit to be dealt with by the Legislative Assembly.³⁶ The Royal Commission on Labour did take up the issue later in 1929–30, but unfor-

³² See Commerce Proceedings, July 1925, No. 32, pp. 67–69 for further details of N.M. Joshi's Maternity Benefit Bill, 1924.

³³ Ibid.

³⁴ Iftikhar-ul-Awwal, 'Government and Business Attitude towards Labour Welfare in Bengal,' op. cit.

³⁵ See, 'Final Memorandum of the Government of Bihar and Orissa' to the RCL, Evidence, Vol. 4, Part I, Written Evidence, pp. 37–38.

³⁶ Ibid.

unately the majority of the members doubted whether the number of women in the mining industries likely to qualify for benefits would be sufficient to warrant legislation.³⁷ As a result of this regrettable decision of the Royal Commission, the question of enactment of maternity benefit legislation for women working at the mines remained outside the pale of discussion and debate till 1939. But then one may raise the question: how far was the doubt of the Royal Commission justified? It was well known to the members of the Commission that even in 1926 no less than 30 per cent of the workers at the mines or over 78,000 were females³⁸ and that of this figure approximately 27 per cent worked underground.³⁹ Hence, even if as a result of government decision to progressively eliminate women from underground work was carried out fully,⁴⁰ the majority of the women workers would still be working at the mines at the end of the period. Later figures indeed showed that in 1939 no less than over 50,000 women were working at the mines and this figure rose to over 72,000 in 1943.⁴¹ As to the question of the number of women among them likely to qualify for maternity benefits, it depended very much upon the kind of legislation. But that a considerable number of women could qualify for these benefits was proved later in the 1940s when the maternity benefit legislation of 1941 came into operation. The actual reason, therefore, for not recommending maternity benefit legislation perhaps lay elsewhere, i.e., in the pressure which the mining interest groups put upon the government and the members of the Commission through their powerful organisations and associations. In their evidence before the Royal Commission, one of the Calcutta representatives of the Indian Mining Association (the mines of which raised 50.13 per cent of

³⁷ *RCL*, pp. 263-64.

³⁸ *Labour Investigation Committee* (main report), op. cit., p. 24.

³⁹ *Ibid.* The percentage is, however, that of 1928.

⁴⁰ The process of progressively eliminating women from underground work was started in 1929 and completed by 1937. The decision to do so was taken by the Government of India in view of unhealthy conditions of underground work. It must be pointed out, however, that the pressure on the Government of India to ban women working underground was immense since the beginning of the twentieth century. Section 20, sub-section (2) (1) of the Indian Mines Act, 1901, enabled the Governor-General-in-Council or the local government to make rules prohibiting, restricting or regulating the employment of women underground or in particular kinds of labour where such employment was attended by danger to the life, safety or health of women. No rules, however, appeared to have been passed under this sub-section in the next twenty-two years. When framing the Indian Mines Bill, 1923, the Government of India, therefore, faced considerable pressure to prohibit forthwith the employment of women in mines by statute. But it was not conceded by the Government of India as they thought that immediate prohibition would very seriously disorganise a very important key industry. The government, however, after further agitation in the country, decided that after 1 July 1929 the percentage of women working underground would annually be reduced till it was completely eradicated. See *Labour Gazette*, July 1923, p. 30; and the speech of Renuka Ray (nominated non-official) on the lifting of the ban on employment of women for underground work in coal mines in the *Legislative Assembly Debates*, 8 February 1944, Vol. 1 of 1944, pp. 119-21.

⁴¹ *Labour Investigation Committee* (main report), op. cit., p. 24.

the total coal production of British India and the Indian States in 1932),⁴² A. F. Bray opined: 'I am not at all sure how far it is the duty of an employer to provide maternity benefits.'⁴³ He felt that the Mines Board of Health could do a little more in this regard.⁴⁴ Similarly, when asked by the Royal Commission whether he had any objection about the payment of maternity benefit, P.S. Keelan of the Ranigunj Coalfield stated: 'if the trade agrees and could afford it'.⁴⁵ The Bengal Chamber of Commerce, on the other hand, was of the opinion that all such benefits should be provided 'either by the state or at the cost of the general taxpayer, or by a system of national insurance'.⁴⁶ They highly objected to the taxing of industries for such a purpose.⁴⁷ Besides pressure of business organisations, depression in the coal trade itself might have also influenced the members of the Commission to withhold maternity benefit legislation. However, it will not be out of place to mention here that some of the bigger colliery concerns, even during this period of economic depression, were not making less profit than industries like tea or cotton textile or the engineering and metal industries of Bengal.⁴⁸ The net result of this unfortunate decision of the Royal Commission, therefore, was the deprivation of thousands of women who would otherwise have qualified to receive maternity benefit.

The ball for the enactment of maternity benefit legislation for women employed at the mines, however, started re-rolling again after popular ministries took office in the provinces in 1937-38 under the new constitution. (Under the Montford Reforms of 1919 labour was a 'reserved' subject.) In 1939, the Government of Bengal, on the suggestion made by the Select Committee of the Bengal Legislative Council on the Bengal Maternity Benefit Bill, brought to the notice of the Government of India the necessity of similar legislation in respect of women employed in the mines.⁴⁹ About the same time, the *Bihar Labour Enquiry Committee* also recommended the enactment of maternity benefit legislation 'without delay' as this was considered to be a 'well recognised and essential form of benefit to the women workers'.⁵⁰ The lifting of depression and the subsequent increase in the rate of profitability of the industry had also exerted influence in the same

⁴² See Commerce Proceedings, August 1934, No. 68, pp. 2-4, 55. The total production of coal in 1932 was 20,153,000 tons in British India and the Indian States, out of which the output of coal of the mines represented by the Indian Mining Association was 10,102,006 tons.

⁴³ *RCL*, Vol. 4, Part II, p. 331.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, pp. 227-28.

⁴⁶ See, Letter No. 596, 1925, Calcutta, 5 March 1925, in Commerce Proceedings, July 1925, No. 53, pp. 121-22.

⁴⁷ *Ibid.*

⁴⁸ See, Iftikhar-ul-Awwal, *The Industrial Development of Bengal, 1900-1939* (New Delhi, 1982), pp. 105-11.

⁴⁹ Government of Bengal, Abstract of Proceedings of the Department of Commerce and Labour (Commerce), B Proceedings, July 1939, p. 13.

⁵⁰ *Report of the Bihar Labour Enquiry Committee*, Vol. 1, pp. 61-62.

direction.⁵¹ Also important was the pressure mounted by the All India Trade Union Congress in its meeting with the Member for Commerce and Labour, Hon'ble Diwan Bahadur Sir A. Ramaswami Mudaliar, at Calcutta in January 1941, where they demanded immediate legislation not only for the coal mines (till then contemplated) but also for all industrial organisations where female labour was employed.⁵² Anxious to secure increased production for supporting the war effort, and also the sympathetic outlook with which the popular governments in the provinces viewed problems of labour,⁵³ influenced the Government of India to go for legislation. The employers, therefore, finding that further opposition to legislation would be futile, decided to extend their support to it. The Government of India accordingly after further consultations at the Second Conference of Labour Ministers held at New Delhi on 27-28 January 1941 decided to draft a Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them.⁵⁴ The Bill was subsequently introduced in the Legislative Assembly by Sir Ramaswami Mudaliar on 27 October 1941 and on 5 November it was taken into consideration and passed by the Assembly with certain amendments.⁵⁵ On being approved by the Council of State on 13 November it finally received the assent of the Governor-General on 26 November 1941.⁵⁶

The Mines Maternity Benefit Act, 1941, made provisions, among other things, for the payment of maternity benefit for a period of eight weeks.⁵⁷ This period of eight weeks was divided into two parts of four weeks each, one part preceding delivery and another part succeeding delivery.⁵⁸ The four weeks before delivery was a period of optional rest during which a woman

⁵¹ The average dividend declared by the coal companies in 1939 was 12.97 per cent. See, P.C. Jain, 'Problems of the Indian Coal Mining Industry,' in *Capital*, 14 February 1946, p. 284.

⁵² *Labour Gazette*, Vol. 21, No. 2, October 1941, pp. 191-92. Here it may be mentioned that the All India Trade Union Congress which had split up in 1929 at Nagpur under the presidency of Pandit Jawaharlal Nehru once again began unity talks in 1938 but it was not before another two and a half years that 'restoration of trade union unity that appeared as a real prospect in April 1938 assumed a full and galvanised form in September 1940'. After the merger of AITUC and NTUF (National Trade Union Federation) 'all unions of the NTUF became automatically the affiliates of the AITUC and all assets and liabilities of the NTUF were transferred to the AITUC. Thus on restoration of complete unity, the number of affiliated unions of the AITUC stood at 195 with a total membership of 374,256.' See, Sukomal Sen, *Working Class of India: History of Emergence and Movement, 1830-1970* (Calcutta, 1977), pp. 369-70, 90.

⁵³ V. V. Giri, *Labour Problems in Indian Industry* (Bombay, 1962), p. 23.

⁵⁴ Bulletin No. 72 of the Indian Industries and Labour contains a report of the proceedings of the Second Conference of Labour Ministers.

⁵⁵ *Legislative Assembly Debates*, 27 October 1941, Vol. 4 of 1941, p. 106; and *ibid.*, 5 November 1941, pp. 425-55.

⁵⁶ *The Council of State Debates*, 13 November 1941, Vol. 2 of 1941, p. 113; *Labour Gazette*, Vol. 21, No. 4, December 1941, p. 369.

⁵⁷ *The Mines Maternity Benefit Act, 1941* (Act No. XIX of 1941), Section 5.

⁵⁸ *Ibid.*

might work and get full wages or absent herself and get the maternity benefit.⁵⁹ With regard to the four weeks succeeding delivery, it was a period of compulsory rest during which the woman was debarred from work.⁶⁰ As regards the amount of maternity benefit, the Act made provision for the payment of 8 annas a day for every day during the eight weeks before and after delivery, provided she had served in that mine or in the mines belonging to the owner of that mine for a period of not less than 6 months preceding the date of her delivery.⁶¹ The Act also made provision for an additional payment of a bonus not exceeding Rs. 3 if at the time of her confinement she utilised the services of a qualified midwife or other trained person.⁶² Further, to simplify the process of payment in case the woman died leaving the newly born child, the Act made provision for nominating a legal representative who would be allowed to receive such balance, if any.⁶³ Provision was also made against wrongful dismissal of a woman 'at any time within six months before she is delivered of a child'.⁶⁴ Appeals against such dismissals could be made to the Chief Inspector of Mines whose decision was final in this regard.

Despite all that, the Mines Maternity Benefit Act, 1941, did not go far enough. Excepting the provision of a bonus payment to encourage women to go to qualified medical persons at childbirth, none of the provisions went further than the existing provincial acts. This provision, too, was absent in the original bill drafted by the government but was added in an amendment brought forward by N.M. Joshi in the Assembly.⁶⁵ The original bill also required nine months continuous service to qualify for maternity benefit. This was reduced to six months when Joshi pointed out the existence of similar legislation in the United Provinces Act.⁶⁶ The amount of benefit was fixed at the rate of 8 annas a day whatever the wages drawn by the woman before confinement might have been. This provision of the Act was even more retrogressive than the Bengal maternity benefit legislation of 1939 which had fixed the benefit at 8 annas a day or her average daily earnings whichever was more.⁶⁷ But probably the worst part of the Act was the period of benefit which was fixed at eight weeks, four weeks before and four weeks after confinement. No doubt this was in line with the existing provincial

⁵⁹ *Legislative Assembly Debates*, 29 July 1943, Vol. 3 of 1943, p. 180.

⁶⁰ *Ibid.*

⁶¹ *The Mines Maternity Benefit Act, 1941*, op. cit., Section 5.

⁶² *Ibid.*, Section 6.

⁶³ *Ibid.*, Section 8.

⁶⁴ *Ibid.*, Section 9.

⁶⁵ The original amendment moved by Joshi was adopted with slight changes in its content after fuller discussion in the Assembly. See *Legislative Assembly Debates*, 5 November 1941, Vol. 4 of 1941, pp. 446–52.

⁶⁶ *Ibid.*, pp. 438–39.

⁶⁷ *Bengal Legislative Assembly Debates*, 19 August 1938, Vol. 53, No. 3, pp. 252–53. It was most unfortunate that no member of the Assembly had the knowledge of the existence of this provision in the Bengal Act.

maternity benefit acts, but an exception should have been made in this case in view of the hard and rough nature of a mining job (in consideration of which the employment of women in mines had been banned in all countries of the world except in Russia, Japan and India).⁶⁸ Moreover, the extension of this period would have been only in line with the spirit of the principle of the draft convention of the International Labour Office of 1919. Nor would it have been a great burden on the industry itself as P.N. Saprú so rightly pointed out:

... the number of women employed in mines is only one-fourth of the total working population in mines, and we know that women workers do not get equal pay with men. They get about half the men's wages. Therefore, so far as the cost of production is concerned, it will not go up very much if the period is extended from four to six weeks before and after childbirth.⁶⁹

Besides, the period of four weeks after delivery also clashed with the local custom of some of the provinces of India not to allow their women to work before the expiry of a period of forty days rest after childbirth.⁷⁰ But the representatives of the European business community turned a deaf ear to these arguments. Contrary to the recommendations of the Washington Conference of 1919, they believed that twelve weeks absence before and after childbirth was neither necessary nor was it desirable.⁷¹ 'Let us be tolerant and sympathetic but do not let us overstep the line, and, in our magnanimity, indulge in extravagances,' opined one of the European members of the Assembly.⁷² The government on their part too sided with the employers interest. Rejecting the amendments brought forward, the government called upon the opposition to show patience and patriotism. It observed:

... when you have to break to saddle a new colt you must put the weight on him gradually. If you put too much weight on him all at once, he will begin to kick. The industry has to progress by the co-operation of factory owners and workers. It is then alone that we can get the happy medium which we all wish to see achieved.⁷³

⁶⁸ Government of India, Labour Investigation Committee, *Report on an Enquiry into Conditions of Labour in the Coal Mining Industry in India* (by S.R. Deshpande) op. cit., p. 18.

⁶⁹ *The Council of State Debates*, 13 November 1941, Vol. 2 of 1941, p. 112.

⁷⁰ This practice, called Chali-Ho, meaning that women must remain indoors and not work for forty days, was practised in the Central Provinces, the Punjab, the United Provinces and even in Sind. No doubt existing provincial maternity benefit acts ignored such local customs, some members of the Assembly like Lalchand Navalrai and Sardar Sant Singh raised the issue afresh as it affected the sentiment of all classes of people in India. See, *Legislative Assembly Debates*, 5 November 1941, pp. 426, 433.

⁷¹ *Ibid.*, pp. 433-37.

⁷² Lt. Col. Sir Henry Gidney in *ibid.*, p. 437.

⁷³ Hon'ble Malik Sir Firoz Khan Noon, Labour Member, in the *Council of State Debates*, 13 November 1941, Vol. 2 of 1941, pp. 112-13.

The question still puzzles us: what was really the actual reason behind the enactment of such a retrogressive act? The answer to this question probably lies in the organisational efficiency and strength of the European business community in India. Being better educated, prosperous and close to the ruling elite by virtue of their common culture and origin, the Europeans who dominated the mining industry had powerful business organisations especially in eastern India through which they exerted pressure on the government to safeguard their economic interests even if it meant injustice and gross exploitation of the working class people. Earlier they were instrumental in delaying the enactment of maternity benefit legislation in Bengal.⁷⁴ Similarly, they played not an insignificant part in defeating the plantations maternity benefit bill of that province.⁷⁵ In Bihar also no such provincial legislation could be passed due to their staunch opposition.⁷⁶ It was no wonder, therefore, that they would be unwilling to go beyond what had already been conceded in the various provincial acts. The colonial government of the day also, for obvious reasons, thought it wiser to lend support to their own community. It was no wonder then that the result of such an 'alliance' should have been limited and unprogressive.

The Act, however, underwent considerable changes during the war in 1945. The main reason which prompted this change was the unilateral decision of the Government of India to lift the ban on the employment of women underground in coal mines in the major coal areas.⁷⁷ As per recommendations of the Select Committee constituted to further amend the Mines Maternity Benefit Act, 1941, the daily rate of benefit was increased from 8 to 12 annas, and an enhanced rate of six rupees a week was fixed for a woman who had worked underground for not less than ninety days during the six months prior to delivery.⁷⁸ The period of benefit was also extended from eight weeks to sixteen weeks in the case of women working underground.⁷⁹ This benefit was payable for a period of ten weeks prior to her confinement and six weeks after confinement.⁸⁰ The Act also prohibited the working of women underground from four to thirty-six weeks after confinement.⁸¹ This period of thirty-six weeks was broken up into two parts: a period of complete

⁷⁴ Iftikhar-ul-Awwal, 'Government and Business Attitude towards Labour Welfare in Bengal,' op. cit.

⁷⁵ Ibid.

⁷⁶ RCL, Evidence, Vol. 4, Part I, Written Evidence, pp. 37-38.

⁷⁷ See, the Statement of Objects and Reasons for amending the Mines Maternity Benefit Act, 1941 in the *Gazette of India*, 10 March 1945, Part V, p. 46.

⁷⁸ See, Report of the Select Committee on the Bill to Amend the Mines Maternity Benefit Act, 1941, in *ibid.*, 7 April 1945, Part V, pp. 79-80; the Mines Maternity Benefit (Amendment) Act, 1945 (Act No. X of 1945) in *ibid.*, 21 April 1945, Part IV, pp. 20-22; *Legislative Assembly Debates*, 11 April 1945, Vol. 4 of 1945, pp. 2788-95.

⁷⁹ The Mine Maternity Benefit (Amendment) Act, 1945, in the *Gazette of India*, 21 April 1945, Part IV, pp. 20-22; *Legislative Assembly Debates*, 11 April 1945, pp. 2788-95.

⁸⁰ Ibid.

⁸¹ Ibid.

prohibition which was followed up by a period of partial prohibition.⁸² The period of complete prohibition was for a period of twenty-six weeks. The period of partial prohibition covered ten weeks which was again made subject to two different prescriptions dependent upon the existence or non-existence of a creche. During the period of partial prohibition, a woman was not to work underground for more than four hours if there was no creche, and, second, she was not to work underground for more than four hours at any one time even if there was a creche.⁸³ Another important addition was the right of a pregnant woman to be medically examined by a woman doctor if the woman demanded it.⁸⁴ These modifications and increased benefits provided in the Mines Maternity Benefit (Amendment) Act, 1945, were not, however, an act of grace on the part of the employers and the government. As a result of bad working conditions and low wages a great shortage of labour for employment in coal mines had become noticeable in 1943.⁸⁵ This shortage of labour did not only affect coal output but also hampered the war efforts of the country.⁸⁶ Under the circumstances, the only reasonable solution was to make the collieries sufficiently attractive to the labourers by raising their wages and improving their working conditions. However, as this involved considerable capital investments and a reduction in the amount of profits, colliery owners influenced the government to withdraw the ban on the working of women underground. This the Government of India did by infringing international conventions in 1943 and

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ For details regarding the causes of labour shortage in the collieries, see *Legislative Assembly Debates*, 29 July 1943, Vol. 3 of 1943, p. 181; *Capital*, 21 October 1943, p. 480; *ibid.*, 30 March 1944, p. 473; *ibid.*, 6 July 1944, p. 23. As a result of labour shortage in the colliery region, labour had to be imported from the Mysore gold mines. See, *ibid.*, 27 July 1944, p. 113.

⁸⁶ Output of coal in British Indian provinces and Indian States had dropped suddenly as can be seen from the figures below:

Year	Output (in Million Tons)
1939	27.8
1940	29.4
1941	29.5
1942	29.4
1943	25.4
1944	26.0
1945	29.0

See *Report of the Indian Coalfields Committee*, 1946, Vol. 1 (Delhi, 1947), p. 341. Due to a 'coal famine' industrial production suffered tremendously. At one time, for example, ten double and eleven single shift jute mills, representing more than 44 per cent of the productive capacity of the industry, had to be closed down owing to a shortage of coal. *Capital*, 29 August 1945, pp. 287–88.

in early 1944, and to cover up their misdeeds, in March 1945 brought about the amendment, among other things, to increase the amount and the period of maternity benefit payments.⁸⁷ The amendments, however, would not have gone so far had not the central legislature taken an exceptionally tough stand on the Government of India's arbitrary decision to lift the ban on the employment of women underground.⁸⁸ The indignation of the members in general could not be doubted, and the government, on the cessation of hostilities, re-imposed the ban with effect from 1 February 1946.⁸⁹

III

The Mines Maternity Benefit Act although passed in November 1941, did not come into force until after thirteen months on 28 December 1942.⁹⁰ The rules framed under the Act, called the Mines Maternity Benefit Rules, were published still later in January 1943.⁹¹ The delay in giving effect to the Act was another example of the Government of India's apathetic attitude towards the welfare of mining labour in India. It is not unlikely that the operation of the Act could still have been delayed further had it not been for the ominous signs of the impending labour crisis in the collieries.

The examination of the working of the Act is beset with various problems. First, records relating to the payment of maternity benefit have not survived. This is not, however, due to non-preparation of such records but to the fact that they were maintained under the provisions of the Act or the Rules for a period of only two years from the date of their preparation.⁹² After the expiry of this period, perhaps without exception, mine owners destroyed these records due to difficulty of storage and their apparent uselessness to them. In the absence of original records, annual administration reports on the Act would have been extremely useful. Unfortunately, the Government of India did not publish any such annual reports.⁹³ Thus there is a virtually no

⁸⁷ P. C. Jain, op. cit., p. 283; *Legislative Assembly Debates*, 8 February 1944, Vol. 1 of 1944, pp. 119-21.

⁸⁸ The Government of India took the decision to withdraw the ban on the working of women underground unilaterally without consulting the parliament or any responsible trade union organisation or even their own creation—the Tripartite Conference. For reaction to government's decision, see *Legislative Assembly Debates*, 11 April 1945, Vol. 4 of 1945, pp. 2789-95.

⁸⁹ P. C. Jain, op. cit., p. 283.

⁹⁰ See *Report of the Mica Enquiry Committee, 1944-45* (Delhi, 1946), p. 77.

⁹¹ *Gazette of India*, 16 January 1943, Part I, Section 1, pp. 91-93.

⁹² *Ibid.*

⁹³ Government of India, Labour Investigation Committee, *Report on an Enquiry into Conditions of Labour in the Coal Mining Industry in India*, op. cit., p. 111. The author also personally verified about the annual reports from the India Office Library and Records, London. In his letter No. IOLR/PI/19 dated 7 September 1983, J.M. Sims of the India Office Records wrote: 'As regards the Mines Maternity Benefit Act, 1941, there was no provision for the submission of annual returns by mines until the Mines Maternity Benefit Rules 1943 were

information on the working of the Act. However, the Labour Investigation Committee (Rege Committee) constituted by the Government of India in February 1944 to collect data relating to wages and earnings, employment, housing and social conditions of labour, and in particular of industrial labour in India, did examine some aspects of the working of the Mines Maternity Benefit Act. From their reports together with information collected from other sources we have been able to study some aspects of the working of the Act.

The working of the Act shows that unlike factory owners of Bengal who retrenched their female workers with the enactment of the Bengal Maternity Benefit Act, 1939,⁹⁴ colliery owners did not do so (and indeed could not do so due to reasons stated earlier).⁹⁵ They did, however, resort to widespread evasion in the payment of maternity benefit. That they did so can be seen from Table 2 which shows the wide variations in the percentage of claims admitted to the number of women employed. Thus in Bokaro, the percentage of claims admitted was as low as 2.9 per cent whereas in Central Provinces and in Raniganj, the figures were as high as 10.3 and 9.9 per cent

Table 2
Total Number of Women Workers and Claims Registered and Paid under the Mines Maternity Benefit Act during 1945 in the Collieries

<i>Name of Coalfield</i>	<i>No. of Sampled Mines</i>	<i>No. of Mines to which the Figures Relate</i>	<i>No. of Women Workers in Mines in Col. (3)</i>	<i>No. of Claims Registered</i>	<i>No. of Claims Admitted</i>	<i>Percentage of Col. (6) to Col. (4)</i>
1	2	3	4	5	6	7
Jharria	106	96	14,836	891	872	5.9
Giridih	2	2	2,175	225	135	6.2
Bokaro	4	4	9,259	269	269	2.9
Raniganj	68	22	4,987	500	495	9.9
Central Prov.	32	11	1,625	168	168	10.3
Assam	6	4	341	53	53	15.5

Source: Government of India, Labour Investigation Committee, *Report on an Enquiry into Conditions of Labour in the Coal Mining Industry in India* (by S.R. Deshpande) (Delhi, 1946), p. 112.

amended by the Department of Labour Notification no. S. S. 10(3) of 19 November 1946. Consequently there are no statistics in the *Annual Report of the Chief Inspector of Mines in India* until 1947 and then they consist only of the total number of claims without any details of amounts paid or any breakdown by province or type of mine.'

⁹⁴ Iftikhar-ul-Awwal, 'Government and Business Attitude towards Labour Welfare in Bengal,' op. cit.

⁹⁵ See Table 1 in this paper.

respectively. As there was no pronounced dissimilarity in the age distribution and civil condition of the labour force of these areas, it is certain that most of the colliery owners made flagrant evasion of the Act.⁹⁶ In this regard, according to S.R. Deshpande, the real culprits were the smaller mine owners who did not even bother to maintain any proper register of maternity claims.

In two instances, when I visited the mines, I saw the remark 'went away' against each of the entries in which claim for maternity benefit had been made and in two collieries when I asked for the maternity benefit books, I was told that the clerk in charge had been ill and in two other cases that copies of the registers were exhausted and that a requisition had been sent to Delhi for fresh books!⁹⁷

Some others, to evade payment at the higher scales of benefit, transferred the women who were pregnant and working underground to the surface.⁹⁸ These evasions, however, could probably have been checked had the Inspectorate administering the Act been adequately staffed. The three labour inspectors appointed to look into maternity cases found it virtually impossible to enforce the Act effectively in the vast tracts which were under their charge.⁹⁹ It would also have been a step in the right direction had the government appointed a few women inspectors since women miners, being backward, were very reluctant to bring their difficulties and complaints to the notice of men inspectors.¹⁰⁰ Besides, it is also to be wondered whether all women working in the mines, especially in the smaller ones, even knew of the existence of such a benefit.

The largest number of women, next to the collieries, were employed in the manganese ore mines. Situated mostly in the Central Provinces and in Bihar, Bombay and Madras, the mines employed 7,561 women in 1921. This figure increased to nearly 12,000 by 1939 (see Table 3). Although the number decreased slightly by 1943 (though not the percentage), women

⁹⁶ *Report of an Enquiry into the Conditions of Labour in the Coal Mining Industry in India*, op. cit., p. 112.

⁹⁷ *Ibid.*, p. 113. Needless to say most of the smaller mines were owned and managed by the Indians and compared very unfavourably with the joint stock companies both as regards capital investment and output. See, for example, C.P. Simmons, 'Indigenous Enterprise in the Indian Coal Mining Industry, c.1835-1939,' *IESHR*, 13(2), 1976, pp. 189-218.

⁹⁸ *Ibid.*

⁹⁹ 'The Inspectorate administering the Act consists of one senior and two junior labour inspectors working under the Chief Inspector of Mines. The Senior and one Junior Labour Inspector have their headquarters at Dhanbad and the other Junior Labour Inspector at Sitarampur in the Raniganj coalfield. The Senior and the Junior Inspectors in Dhanbad have to cover about 500 collieries while the Inspector at Sitarampur covers about 300 collieries.' *Ibid.*, p. 111.

¹⁰⁰ See the speech of Srimati K. Radha Bai Subbarayan and N.M. Joshi in the *Legislative Assembly Debates*. 11 April 1945, Vol. 4 of 1945, pp. 2789-91.

Table 3
Number of Mines and Mining Workers Subject to the Indian Mines Act in 1939 and 1943

Minerals	1939				1943			
	No. of Mines	Males	Females	Total	No. of Mines	Males	Females	Total
Coal	619	178,985	23,004	201,989	828	173,971	39,125	213,096
Iron Ore	9	6,561	2,294	8,855	6	6,253	3,094	9,347
Manganese Ore	113	15,461	11,991	27,452	90	12,974	11,297	24,271
Gold	3	81	62	143	5	186	33	219
Chromite Ore	51	642	393	1,035	82	869	461	1,330
Copper Ore	6	2,861	228	3,089	5	3,748	251	3,999
Mica	812	28,777	3,334	32,111	1,057	54,713	6,747	61,460
Salt	3	1,392	Nil	1,392	3	1,342	Nil	1,342
Magnesite	3	1,962	814	2,776	3	1,872	426	2,298
Sleatite	23	282	144	426	15	354	228	582
Slate	14	601	3	604	20	389	26	415
Limestone	30	4,836	2,403	7,239	38	6,309	3,545	9,854
Stone	118	9,856	3,881	13,737	99	8,509	3,269	11,778
Sandstone	2	134	49	183	2	62	43	105
Others	58	2,684	1,526	4,210	76	6,007	3,658	9,665
Grand Total (for all minerals)	1,864	255,115	50,126	305,241	2,329	277,558	72,203	349,761

Source: Government of India, *Report of the Labour Investigation Committee* (main report) (Delhi, 1946), p. 27.

constituted 46.5 per cent of the total labour force employed in the manganese ore mines. As regards the payment of maternity benefit, the Labour Investigation Committee stated in its Report that payments were made to the women in these mines in accordance with the provisions of the Act.¹⁰¹ The Committee, however, does not give any detailed figures of maternity benefit claims and payments excepting in a few cases. From its reports it appears that the Central Provinces Manganese Ore Company, the largest in the field, paid approximately Rs. 20,000 in benefits in 1943 and over Rs. 15,000 in 1944 in all its mines (see Table 4). This amount was a

Table 4
Maternity Benefit Paid by the Central Provinces Manganese Ore Company, 1940-1944

Year	No. of Cases	Amount Paid		
		Rs.	As.	p.
1940	475	2,802	2	0
1941	593	3,676	8	9
1942	828	5,271	14	0
1943	950	19,402	12	0
1944	711	15,411	1	0

Source: Government of India, Labour Investigation Committee, *Report on an Enquiry into Conditions of Labour in the Manganese Mining Industry in India* (by D.V. Rege) (Delhi, 1946), p. 14.

substantial increase compared to payments in earlier years and was attributed to the framing of the Rules under the Act in the beginning of 1943.¹⁰² In three of the Indian owned mines which worked throughout that year in the Central Provinces, Rs. 276 was paid in seventeen cases, the average amount per case being Rs. 16-3-9.¹⁰³ In Bombay, on the other hand, not many got maternity benefit 'as many of the female workers are local with the result that sometimes they cannot claim the benefit as they leave before working regularly for six months which is the qualifying period'.¹⁰⁴ The imported female workers, however, got the usual benefits.¹⁰⁵ Information on the working of the Act in other provinces of India are unfortunately not available.

In the mica mines, the employment of women was next only to coal and

¹⁰¹ Government of India, Labour Investigation Committee, *Report on an Enquiry into Conditions of Labour in the Manganese Mining Industry in India* (by D.V. Rege) (Delhi, 1946), p. 14.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid., p. 26.

¹⁰⁵ Ibid.

manganese. Being a strategic mineral,¹⁰⁶ the number of people working in these mines had increased remarkably during World War II from 32,111 in 1939 to 61,460 in 1943 (see Table 3). Of these, women formed a little over one-tenth, being 3,334 in 1939 and 6,747 in 1943. Although the Mines Maternity Benefit Act, 1941, applied to these mines as well, it is unfortunate that employers as a whole completely ignored such legislation.

Not a single case of Maternity Benefit being paid came to our notice and although the Indian Mines Maternity Benefit Act applies to these mines, and although a large number of women of child-bearing age are employed not only on the surface but also underground, it remains a dead letter.¹⁰⁷

The Mica Enquiry Committee also found 'no instance of the application of the Act in any mine'.¹⁰⁸ Such wholesale evasion of the Act was made possible as the government did not appoint any inspecting staff to enforce the provisions of the Act in the mica mines.¹⁰⁹ In the absence of enforcing staff and being situated in inaccessible jungle areas, employers found it too easy to deprive these poor, illiterate and unorganised women of their legitimate dues. It would also have been interesting had we information on the working of the Mines Maternity Benefit Act with regard to other mines such as iron ore, stone quarrying industries, etc.

Besides monetary benefits, the Act also put indirect pressure upon the employers to make provision for better medical facilities for their women employees. The expenses of medical examination of women to verify their claim of pregnancy or expected day of confinement had to be borne by the

¹⁰⁶ Mica finds its chief use in the electrical industry as an insulating medium. Without mica the development of wireless telegraphy, aeronautical engineering and motor transport would not have been possible. For details, see Government of India, *Bulletins of Indian Industries and Labour*, No. 15, *Notes on Mica* (by J. Coggin Brown) (Calcutta, 1921), p. 4. Mica played a very important part in the allied war efforts both in the First and Second World Wars. A Far Eastern Survey published by the American Council of the Institute of Pacific Relations expressed the opinion that 'India is indispensable to the efforts of the United Nations, if only for the production of mica necessary for the maintenance of all electrical production both military and civil.' See *Capital*, 14 October 1943, p. 489.

¹⁰⁷ Government of India, Labour Investigation Committee, *Report on Labour Conditions in the Mica Mining and Mica Manufacturing Industry* (by B.P. Adarkar) (Delhi, 1945), p. 84.

¹⁰⁸ *Report of the Mica Enquiry Committee, 1944-45* (Delhi, 1946), p. 77.

¹⁰⁹ As stated earlier, there were only three Labour Inspectors to administer the Act and all the three were engaged in inspecting the collieries only. The Mica Enquiry Committee and also the Labour Investigation Committee, however, mentioned that additional Labour Inspectors under the Indian Mines Department would soon be appointed to strengthen the inspecting staff. The Mica Enquiry Committee further recommended that 'the services of the Inspectorate of Mica Mines should be utilised' as well for the purposes of this Act. In this portion of their duties, of course, they would work in subordination to the Chief Inspector of Mines. See, *Report of the Mica Enquiry Committee, 1944-45*, op. cit., pp. 77 & 114; *Report on an Enquiry into Conditions of Labour in the Coal Mining Industry in India*, op. cit., p. 111.

mine owner.¹¹⁰ Besides, mine owners did not have to pay the bonus of Rs. 3 if the employee chose to have her confinement at a place where she was entitled to the free services of a qualified midwife or other trained person provided by the mine owner.¹¹¹ The amendment of 1945 further required that the medical examination of a woman entitled to benefit would be by a female doctor if the woman demanded it.¹¹² The intention of all these legislations was to encourage employers to establish well-equipped maternity hospitals with female doctors near their mines. No doubt a few bigger collieries did establish such hospitals, but the majority failed to do so. With the exception of few nor did mine owners establish creches, the necessity of which was felt acutely in the mines where women were employed.¹¹³

Conclusion

Women miners in India were probably the worst sufferers among the working class in British India. In contrast to the contemporary world where women's labour in mines was banned through legislative action, not only were Indian women employed in mines but also engaged underground on the plea of labour shortage. Till 1923, there were no restrictions relating to hours of work in a day or a week.¹¹⁴ Nor did the employers do much to improve the physical and economic conditions of mining labour which were probably the worst among the industries in India.¹¹⁵ Considering such a poor record, it was indeed small wonder that the employers would oppose tooth and nail the system of maternity benefit. In their opposition, however, they were not alone. The employers were aided all along by the government. It was the government which had turned down the idea of compulsory maternity benefit schemes time and again at the behest of employers. Nor did the government do anything worthwhile to encourage employers to start voluntary maternity benefit schemes. The result was that, till the end of the 1930s, only a few mining companies had started limited maternity benefit

¹¹⁰ *The Mines Maternity Benefit Act, 1941*, op. cit., Section 4.

¹¹¹ *Ibid.*, Section 6.

¹¹² *Legislative Assembly Debates*, 11 April 1945, Vol. 4 of 1945, pp. 2788–89.

¹¹³ Although the draft convention of the 1919 Washington conference stipulated the necessity of creches in industrial establishments, no law was enacted in India making it obligatory for mine owners to maintain it and as such they did not, with few exceptions, do so. The question of creches was also taken up in 1945 by the Select Committee on the Bill to amend the Mines Maternity Benefit Act, 1941. N.G. Ranga, M.A. Ayyangar and K.B. Jinaraja Hedge in their minute of dissent and also N.M. Joshi in his separate minute of dissent stated that in view of the Government of India's assurance to bring forward the necessary legislation (by amending the Indian Mines Act) to make it obligatory to maintain creches at all mines where women were employed, they refrained from pressing their proposal on the issue. *Sec. Gazette of India*, 7 April 1945, Part 5, pp. 79–80.

¹¹⁴ B.R. Seth, *Labour in the Indian Coal Industry*, op. cit., p. 13.

¹¹⁵ Iftikhar-ul-Awwal, *The Industrial Development of Bengal, 1900–1939* (New Delhi, 1982), Chapter 3.

schemes; others made no effort in this direction. Seeing the disappointing response on the part of the employers, pressure was brought to bear upon the Government of India to pass necessary legislation in this regard. The outcome was the enactment of the Mines Maternity Benefit Act, 1941. Regrettably, however, the provisions of the Act, did not go far enough as little consideration was shown while fixing the amount and the period of benefit to the nature of job performed by women miners in India. In some respects (for example, in the matter of amount of benefit), the Act was even more limited than the Bengal Maternity Benefit Act, 1939. In 1945, however, circumstances compelled the Government of India to bring about certain fundamental changes which substantially improved the character of the Act. Despite all that, women miners derived little benefit from this piece of legislation. The Government of India for reasons best known to it took thirteen months to put the Act into operation and even then it did so with only three Labour Inspectors to administer the Act in a country as vast as India. As a result of insufficient inspection staff, flagrant evasions in the payment of maternity benefit took place in most mines. In fact in some mines, such as the mica mines, no maternity benefit was paid at all to women workers at childbirth. Nor did mine owners take adequate steps for treatment of women labour before or after childbirth or establish creches for nursing babies at the workplace. Thus till the end of British rule in India, women miners were yet to get the benefits which they were, by right, entitled to claim.